

**REMARKS**

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1 and 8-13 are now present in this application. Claims 2-7 and 14-19 have been cancelled. Claim 1 is independent.

Applicants have canceled claims 2-3, 14-16 and 18, and amended independent claim 1 to overcome the Examiner's rejections. Independent claim 1 has been clarified to incorporate certain detailed features of the dependent claims. As such, no new matter has been presented, and thus the amended claims do not raise new issues that would require a new consideration and/or a new search.

**Rejections Under 35 U.S.C. § 102(e)**

Claims 1-4, 11-16 and 18 have been rejected under 35 U. S. C. 102(e) as being anticipated by *Yuzawa* (U.S. Patent No. 6,363,061). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Applicants' embodied invention relates to a data transmission protocol for an image communication apparatus, which is capable of easily separating video, audio, and control data when a receiver side reads a data packet and of setting its control data so as to select an image quality and a retransmission privacy mode. The invention minimizes loss of data using a structure for changing a

data size according to a compression image data size in a method for checking an image error from a video and audio data array. The packet data frame according to the present invention includes the header data, the transmission and reception data size information, the compressed audio data and video data, the control index, and the control data.

On the other hand, *Yuzawa* is directed to a packet of a desired channel that is separated from other packets, and the packet is further separated into video data, audio data, and additional data (including program information) on the basis of the header information.

However, *Yuzawa* does not teach or suggest, *inter alia*, one packet data frame including “a control index representing information for indicating an additional operation including an image quality selection, an image retransmission, a privacy mode and a change in the size of video data; and control data for notifying the receiver side of data relating to the additional operation, for representing information for requesting a compression ratio of the video data to be transmitted when the control index is controlled to select the quality of the image, and for representing a sequence number for requesting the image retransmission when the retransmission of the image data is requested in the control index”, as recited in independent claim 1.

For instance, additional data disclosed by *Yuzawa* includes program information on the basis of information of a header portion, but Applicants’

additional operation includes an image quality selection, an image retransmission, a privacy mode and a change in the size of video data. *Yuzawa* does not teach the above claimed "control data" for, e.g., requesting a compression ratio of video data when the control index is controlled to select the image quality, or for requesting a sequence number for requesting the image retransmission when the image retransmission is requested in the control index.

The data transmission device of *Yuzawa* would not achieve Applicant's claimed invention because the construction/functions of *Yuzawa*'s packet and the construction/functions of the claimed one packet data frame are different.

Therefore, the present invention as claimed in amended independent claim 1 and its dependent claims (due to their dependency) is not anticipated by the *Yuzawa* reference, and the Examiner's rejection under 35 U.S.C. § 102(e) should be withdrawn.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 5 and 17 have been rejected under 35 U. S. C. 103(a) as being unpatentable over *Yuzawa*. Claims 6-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yuzawa* in view of *Chou et al.* (U.S. Patent No. 6,594,798). Claims 9-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yuzawa* in view of *Martin* (U.S. Patent No. 5,539,823). These

rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Claims 8-10, which depend from claim 1, are allowable for at least the reasons discussed above with respect to independent claim 1. Neither *Chou et al.* nor *Martin* corrects the above deficiencies of *Yuzawa* to render the claimed invention obvious.

Accordingly, for at least the foregoing reasons, the invention as recited in amended independent claim 1 and dependent claims 8-13 (due to their dependency) is patentable over the applied prior art of record, including *Yuzawa*, *Chou et al* and *Martin*, and thus the Examiner's rejections under 35 U.S.C. § 103(a) must be withdrawn.

### **CONCLUSION**

For the foregoing reasons and in view of the above clarifying amendments, Applicants respectfully request the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicit an early issuance of a Notice of Allowance.

The Examiner is respectfully requested to enter this Amendment After Final Rejection, in that it raises no new issues but merely places the claims in a form more clearly patentable over the references of record. In the alternative, the Examiner is respectfully requested to enter this Amendment After Final Rejection in that it reduces the issues for appeal.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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